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SENATE BILL 3248

By Rochelle

AN ACT to amend Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 410 of the Private Acts of 1949; Chapter 310 of the Private Acts of 1957; Chapter 176 of the Private Acts of 1961; Chapter 381 of the Private Acts of 1972; Chapter 279 of the Private Acts of 1972; Chapter 120 of the Private Acts of 1991; Chapter 185 of the Private Acts of 1994 and Chapter 20 of the Private Acts of 1999; and any other acts amendatory thereto, relative to the Charter of the City of Lebanon.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, Chapter 410 of the Private Acts of 1949, Chapter 310 of the Private Acts of 1957, Chapter 176 of the Private Acts of 1961, Chapter 279 of the Private Acts of 1972, Chapter 381 of the Private Acts of 1972, Chapter 120 of the Private Acts of 1991, Chapter 185 of the Private Acts of 1994, and Chapter 20 of the Private Acts of 1999, and all other acts amendatory thereto, is amended in Article III by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Mayor to hire commissioner of finance and revenue, commissioner of public safety, commissioner of public works, director of personnel, director of parks and

recreation, director of family life center, city attorney and city judge; terms and removal; reorganization concerning police chief, fire chief and public safety coordinator; qualifications of commissioner of public works and city judge; authority to combine or create new offices; acting city judge.

That in January 2000, at the second regular meeting of the city council, and as vacancies occur, the mayor shall select and appoint with the advice and counsel of the aldermen and alderwomen comprising the city council, a commissioner of finance and revenue, a commissioner of public works, a city attorney, a director of personnel, a director of parks and recreation, and a city judge; provided, however, that in the event the city council has implemented an ordinance empowering the city judge to have general sessions powers, said position of the city judge after the initial appointment shall be elected according to the applicable state law.

In January 2000, at the second regular meeting of the city council, those persons appointed to the offices of purchasing agent, director of personnel, chief of police, fire chief, director of codes enforcement, director of parks and recreation, commissioner of finance and revenue, commissioner of public works and city attorney on January 2, 2000 shall no longer be appointees but shall continue in their same position as regular city employees under the provisions of amended ordinance number 99-1884. Effective January 17, 2001, the department of Public Safety and the position of Commissioner of Public Safety are established pursuant to ordinance number 01-2188. Effective January 15, 2002, the department of Community Services and the position of Director of Family Life Center are established pursuant to ordinance number 02-2314. Effective on a date to be established by the city council, ordinance number 02-2314 is amended by ordinance number 02-2360 to correctly identify the department of Community Services as the Family Life Center Department. The Commissioner of Public Safety and Director

of Family Life Center shall have the same employment status as the other department heads under the provisions of amended ordinance number 99-1884.

In the event of the absence, the disqualification or inability of the city judge to at any time act or serve in said capacity, the Mayor of Lebanon, Tennessee, is hereby authorized and empowered to appoint in writing anyone he may deem proper to serve and act as city judge, during the absence, disqualification or inability of the regular city judge to act. Said written appointment of such acting city judge, shall be attached to or entered in the regular docket of the city judge. Upon such appointment made of said acting city judge, he shall thereupon be sworn in as acting city judge, and he shall thereupon be vested with all the powers and all the authority of the regular city judge, including the power and authority to issue warrants and try cases, and to pronounce judgments.

SECTION 2. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, Chapter 310 of the Private Acts of 1957, Chapter 120 of the Private Acts of 1991, Chapter 20 of the Private Acts of 1999, and any other acts amendatory thereto, is amended in Article V by deleting Section 5 in its entirety and by substituting instead, the following:

Section 5. Department heads authorized to hire and discharge employees. Be it further enacted, That the commissioner of finance and revenue, commissioner of public safety, director of community services, commissioner of public works, director of personnel, and director of parks and recreation shall hire the employees in their respective departments and may discharge said employees at any time for cause.

SECTION 3. Chapter 644 of the Private Acts of 1911, as amended by Chapter 685 of the Private Acts of 1929, Chapter 381 of the Private Acts of 1972, Chapter 120 of the Private Acts of 1991, and any other acts amendatory thereto, is further amended in Article VI by adding the following language as a new Section 2:

Section 2. Be it further enacted, That the Department Heads and Judicial Officials delineated by this act may be disciplined, up to and including termination for cause, as determined by the Mayor, by the Commissioner of Public Safety for his direct reports, or by two-thirds (2/3) vote (to be defined as four (4) of six (6) votes) of the Lebanon City Council.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Lebanon. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.